

The Farming Communities Land Act

being

Chapter F-10 of the *Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by the *Statutes of Saskatchewan, 1979-80, c.92*; and 2000, c.L-5.1.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER F-10

An Act respecting Certain Lands held by Farming Communities

Short title

1 This Act may be cited as *The Farming Communities Land Act*.

Interpretation

1.1 In this Act, “**local registrar**” means a local registrar of the Court of Queen’s Bench.

1979-80, c.92, s.31.

Application for subdivision of land

2 Where the title to land is registered in the names of two or more persons, each having an undivided interest therein, and those persons or some of them, either alone or along with other persons, are jointly engaged in farming operations thereon, or where title to land is registered in the name or names of one or more persons who actually hold the same in trust for persons jointly engaged in farming operations thereon, then any registered owner of the land, or any other person claiming an interest therein, or the municipality in which the land is situated, may apply *ex parte* to a judge of Her Majesty’s Court of Queen’s Bench for Saskatchewan sitting at the judicial centre nearest to which the land is situated for directions as to the hearing of an application for an order for subdivision of the land and the issue of new titles to such persons as may be found by the judge to be entitled thereto. The applicant shall furnish the judge with the names and addresses of all persons known to the applicant to have or claim an interest in the land.

R.S.S. 1978, c.F-10, s.2; 1979-80, c.92, s.31;
2000, c.L-5.1, s.272.

Notice of hearing

3(1) Upon an application for directions the judge shall fix a place and time for a hearing and shall direct notice of the hearing to be given, in such manner as he may deem expedient, to all persons appearing by the records of the Land Titles Registry and the municipality in which the land is situated to have an interest in the land and to all other persons known to the applicant to have or claim an interest in the land, and may also direct notice to be advertised in one or more newspapers circulating in the municipality in which the land is situated.

(2) The application for an order for subdivision of land shall be by notice of motion and, unless otherwise ordered, there shall be at least ten clear days between the service of the notice and the day fixed for the hearing.

(3) The local registrar shall register an interest based on the notice of the hearing in the Land Titles Registry against the affected titles.

R.S.S. 1978, c.F-10, s.3; 1979-80, c.92, s.31;
2000, c.L-5.1, s.273.

c. F-10**FARMING COMMUNITIES****Dealings with land prohibited**

4 After an interest is registered against the affected titles in accordance with subsection 3(3) and until registration of that interest is discharged pursuant to section 10, no person shall:

- (a) register a transfer of that title or titles; or
- (b) register any interest against that title or titles.

2000, c.L-5.1, s.274.

Hearing and order

5 After hearing all interested parties, or such of them as have appeared, the judge may by order:

- (a) designate the persons whom he finds entitled either legally or equitably to any portion of the land, and the portions to which those persons are entitled;
- (b) direct the subdivision of the land into such number of blocks or lots of such area or areas as he deems expedient, with suitable provision for access to each block or lot;
- (c) specify the registered interests to which each block or lot is subject, and, if necessary, divide and apportion any registered interest affecting two or more blocks or lots if those blocks or lots are not found to belong to the same person;
- (d) direct:
 - (i) the Controller of Surveys, on receipt of the plan of subdivision mentioned in section 7, to approve the plan; and
 - (ii) the Registrar of Titles to issue titles to the parcels shown on the plan, in the names of the persons found by the judge to be entitled to those parcels, subject to the registered interests specified in the order.

R.S.S. 1978, c.F-10, s.5; 2000, c.L-5.1, s.275.

6 Repealed. 2000, c.L-5.1, s.276.

Surveys and plans

7 A preliminary or other survey required to be made on the ground for the purpose of the subdivision and preparation of the plan of subdivision must be made by a Saskatchewan land surveyor retained by the owners of the land.

2000, c.L-5.1, s.277.

Approval of plan and issuance of titles

8(1) The plan of subdivision made pursuant to section 7 may be submitted to the Controller of Surveys, together with a certified copy of the order made pursuant to section 5.

(2) Where the plan of subdivision has been submitted to the Controller and approved in accordance with clause 5(d), an application to issue title, accompanied by a certified copy of the order, may be submitted to the Land Titles Registry.

2000, c.L-5.1, s.277.

9 Repealed. 2000, c.L-5.1, s.278.

Procedure where no order made pursuant to section 5

10 If no order is made pursuant to section 5, the local registrar shall discharge any interests registered pursuant to subsection 3(3).

2000, c.L-5.1, s.279.

11 Repealed. 2000, c.L-5.1, s.280.

